

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

ACUITY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
North Central Video, LLLP, d/b/a	)	
Blockbuster Video, Dominic James	)	
Simnnioniw, Lyle Edward Hilderman, and	)	
Heather Thomas,	)	
	)	Case No. 1:05-cv-010
Defendant.	)	

**ORDER GRANTING  
MOTION FOR DEFAULT  
JUDGMENT**

---

This is a declaratory judgment action brought by plaintiff Acuity, an insurance company, seeking a determination of certain coverage relating to defendants North Central Video, LLLP, d/b/a Blockbuster Video, Dominic James Simnnioniw, and Lyle Edward Hilderman, relative to claims being prosecuted against them in state court by defendant Heather Thomas. Defendant Simnnioniw failed to appear and the remaining parties consented to have this matter heard by Magistrate Judge Charles S. Miller, Jr.

After having reviewed the record and good cause having been shown, Acuity's motion for default judgment (Doc. #75) as to defendant Simnnioniw is **GRANTED** and the clerk is **ORDERED** to include in the final judgment a declaration that defendant Simnnioniw has no claim for indemnity against Acuity for any liability of defendants Simnnioniw and Hilderman in the state court action: Civil #08-04-02232, District Court, Burleigh County, South Central Judicial District, State of North Dakota.

Dated this 7th day of May, 2007.

/s/ Patrick A. Conmy

Patrick A. Conmy, Senior District Judge  
United States District Court